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QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

Written statement submitted by the International Organization for the Development of Freedom of Education, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[11 March 1997]

Report of the round table organized by the International Organization for the Development of Freedom of Education (OIDEL) and the World University Service (WUS) in collaboration with UNDP, the Inter-Parliamentary Union and the Centre for Human Rights on 10 and 12 April 1996 during the fifty-second session of the Commission on Human Rights

1. Prior to the meeting the organizers contacted the NGOs and government delegations that are most active in the promotion of economic, social and cultural rights, as well as academics, foundations and other organizations, to which they distributed a document on taking economic, social and cultural rights seriously. The round table was a follow-up to the meetings organized in 1995 by the High Commissioner for Human Rights and the Centre for Human Rights and to other informal meetings sponsored by WUS and OIDEL.

INTRODUCTORY STATEMENTS

I. Mr. Ibrahima Fall, Assistant-Secretary-General for Human Rights and Director of the Centre for Human Rights

2. After congratulating the organizers and reviewing how economic, social and cultural rights had developed, Mr. Fall said that the starting point for the round table had been a meeting in his office at the end of August attended by the various bodies working in that area: NGOs, governments and rapporteurs of the Sub-Commission on Human Rights.

3. He then made three series of proposals for advancing the work:

(a) Strengthen the efficacy of the International Covenant on Economic, Social and Cultural Rights;

(b) Promote cooperation between the institutions of the United Nations system;

(c) Conduct operational and practical activities.

4. A priority for strengthening the Covenant appeared to be to work towards the speedy adoption of an optional protocol providing for the consideration of communications. Such a protocol would inter alia permit the creation of a body of legal precedents that would be most useful for conceptualizing economic, social and cultural rights. There was also an urgent need for NGOs and academic circles to provide the Committee on Economic, Social and Cultural Rights with greater support in order to assist it in its work.

5. Cooperation between the institutions was required because of the urgency of the problems: hunger, extreme poverty, emergency situations. Only genuine collaboration between the institutions in the system, in particular the United Nations, UNDP, UNEP, ILO and WHO, would make it possible to tackle the world's problems in the area under consideration. The High Commissioner could define an institutional framework so as to ensure that all the institutions of the system had an awareness of the human rights dimension of their activities.

6. At the operational level there were four priorities:

(a) Respect for the Covenant was the primary responsibility of Governments, and a country's level of development could not be used as a pretext to justify shortcomings. The central problem of development was the poor distribution of the fruits of development, i.e. the inequalities in the distribution of income;

(b) Every effort should be made to ensure that States ratified the Covenant and submitted reports in good time to the Committee on Economic, Social and Cultural Rights, especially the States which "lectured" others;

(c) The NGOs for the development of human rights should coordinate their strategies, in particular through cooperation in the field;

(d) The NGOs should coordinate their work with UNDP in the field of indicators, demand that the country rapporteurs should also draw attention to violations of economic, social and cultural rights, and exert pressure to obtain more mandates on specific rights. In addition, it would be a good idea for the NGOs to follow more closely the work of the Economic and Social Council. High priority should be given to education in human rights, for that would enable people to claim their rights.

II. Mr. Ian McFarlane, responsible for liaison with the NGOs at the European headquarters of UNDP

7. Mr. McFarlane said that the activities of UNDP were concentrated on the promotion of human development, a task that it carried out primarily with Governments but also with other partners in the United Nations system and with the NGOs. Those activities contributed directly to the achievement of economic, social and cultural rights. The best specific example of the defence of economic, social and cultural rights at the international level was the Human development report, which was a tool for monitoring the basic economic, social and cultural rights such as access to education and health. UNDP was proposing to develop the use of that tool for such monitoring and also to work to increase the effectiveness of the great principles laid down in the action programmes formulated by major international conferences.

8. UNDP was currently responsible for following up the World Summit for Social Development held in Copenhagen, and was endeavouring to create a structure to assist Governments in implementing the plan of action. It would be appropriate for the NGOs attending the round table to become involved in the efforts of UNDP to find effective ways of using the existing international mechanisms for the protection of human rights. UNDP was interested in finding out what new steps could be taken in order to help achieve economic, social and cultural rights.

III. Mr. Martin Chungong, Secretary, Committee on Parliamentary, Juridical and Human Rights Questions of the Inter-Parliamentary Union

9. Mr. Chungong said that parliaments contributed to the protection of human rights at both the national and international levels. At the national level they could perform a standardizing function (in particular through their right to initiate legislation). Although that right was limited in practice, Parliament was able to encourage the initiation or revision of legislation aimed at providing better protection of human rights. It was also entitled to amend draft legislation submitted to it or to refuse to adopt legislation that imposed restrictions on existing rights. Moreover, Parliament could speed up the process of ratification of international instruments or the adoption of enabling legislation. It also had at its disposal a whole range of methods for monitoring and safeguarding the "traditional" human rights and also the rights of women and the rights of children, together with relations between citizens and government. Very often Parliament had its own body for the promotion and defence of human rights. It could support national institutions outside Parliament, particularly those with quasi-juridical authority (for the

consideration of complaints and the attainment of amicable settlements), thus reducing the workload of the courts. The support of Parliament for the NGOs working in the human rights field was essential.

10. At the international level, the role of Parliament was to contribute to respect for human rights in all countries, for it was quite legitimate for the international community to be concerned about respect for such rights. Parliament could also contribute to the development of international standards, thus improving the international consensus on human rights and freedoms. A number of basic conditions must be met if Parliament was to be able to carry out that role. Parliament must be representative of all sections of the nation. Furthermore, parliamentarians must have basic guarantees, in particular freedom of speech and immunities. They must be provided with material resources (logistic and financial).

11. The Inter-Parliamentary Union had its own Committee on the Human Rights of Parliamentarians, which, as its name indicated defended, parliamentarians whose rights were violated during the performance of their duties. Since the establishment of that Committee in 1976, action by the Union had led to the satisfactory settlement of many cases brought before it.

IV. Mr. Alexander Tikhonov, Secretary of the Committee on Economic, Social and Cultural Rights

12. Mr. Tikhonov stressed that his Committee was ideally placed to promote economic, social and cultural rights, for it was the sole United Nations body specializing in such rights. Moreover, it had recently been entrusted with the task of promoting the right to development. He described the possibilities of collaboration provided for NGOs by the Committee on Economic, Social and Cultural Rights.

13. NGOs could submit:

(a) Written communications concerning the countries whose reports were to be considered at each meeting;

(b) Oral communications on the first day of the Committee's session;

(c) Written or oral interventions on the days devoted to general discussion.

Moreover, NGOs could exchange views with the members of the Committee, who made a special effort to do so.

14. Mr. Tikhonov proposed the creation of a kind of platform around the Committee, bringing together the development NGOs and the human rights NGOs, to deal with economic, social and cultural rights. The main functions of such a platform would be:

(a) To serve as a meeting place for promoting an integrated approach to the protection of economic, social and cultural rights;

(b) To coordinate the work of the human rights NGOs and the development NGOs at the international level;

(c) To provide the necessary assistance for the national NGOs involved in activities to protect economic, social and cultural rights. Special attention should be paid to the adoption of an optional protocol granting the right to submit individual communications to the Committee on Economic, Social and Cultural Rights.

SUMMARY OF THE DISCUSSION

15. Mr. Fernandez drew attention to Mr. Fall's proposals, which represented a genuine working agenda for the group. At the proposal of Mr. Tikhonov and Mr. Harrison, it was decided to create a flexible structure, such as a forum, in view of the differences in the nature of the NGOs. That structure would be coordinated by Mr. Fernandez. The forum would permit progress with economic, social and cultural rights, but there was an urgent need to formulate some precise questions.

16. The importance of cooperation between institutions was emphasized. Happily it would henceforth be possible to count not only on the NGOs but also on the collaboration of the Centre for Human Rights, UNDP and the Inter-Parliamentary Union, teaching staff from the University of Geneva and other institutions such as the Observatoire de la Finance or the Fondation du Léman. Greater involvement of local bodies was advisable: the Agence Genevoise de Coopération, which grouped together 50 development organizations, the Institut universitaire d'Etudes de Devéloppement (IUED) and the Graduate Institute of International Studies.

17. At the suggestion of Ms. Murebwayire it was decided to concentrate on disseminating information about the Covenant and the Committee. Information could be sent out through the NGOs (for example, the Caritas Internationalis newsletter) or through publications such as those of the Non-Governmental Liaison Service (NGLS) or the International Council of Voluntary Agencies (ICVA). The group believed it would be most useful to introduce a page on the Internet devoted to economic, social and cultural rights and the right to development.

18. With regard to collaboration with academics, Mr. Tikhonov proposed that academics should be enabled to attend training courses at the Centre for Human Rights in working for the Committee. There was also a need to develop scientific instruments, especially indicators which were currently lacking: much work on them had already been done by the universities, NGOs, as described in the reports of D. Türk, and by UNDP and UNRISD. Some hard thinking was still needed to make them operational.

19. There was consensus on a number of priority points concerning contacts established and preliminary meetings:

(a) Conceptualization and precise legal formulation of economic, social and cultural rights;

(b) Involvement of international bodies and those working in the field;

(c) Seeking more prominence for economic, social and cultural rights on the agenda of the Commission;

(d) Collaboration with the Centre for Human Rights in the promotion of economic, social and cultural rights.

Three topics were considered to be of particular importance: (a) indicators; (b) the optional protocol, and (c) strengthening of the secretariat of the Committee on Economic, Social and Cultural Rights (funding and staff).

20. It was agreed to give priority to lobbying the Committee on Economic, Social and Cultural Rights to persuade it to adopt the draft optional protocol without delay. With regard to the strengthening of the Centre, it was decided to explore the possibility of someone seconded by the NGOs, and financed by the NGOs, the Centre and one or more Governments, assisting the Secretary of the Committee and taking on the task of coordination between the various bodies in the system. A start could be made on an experimental basis. The post could be made rotational, which would also be useful for the NGOs (it would give them a more thorough knowledge of the system).

21. It was also considered important to collaborate with Parliaments so as to ensure the effective implementation of economic, social and cultural rights and to enter into dialogue with the parliamentarians present at major meetings. There was a need to meet with parliamentarians in order to open their eyes to economic, social and cultural rights by showing them the work of UNDP.

22. The group felt it was important to deal with economic, social and cultural rights and the right to development together. For this purpose it would be useful to work towards expanding the International Bill of Human Rights (Universal Declaration of Human Rights and the Covenants) by including the Declaration on the Right to Development, which represented the distillation of the work carried out within the United Nations in the human rights field. Lastly, the participants decided to form a coordinating group in order to contact other NGOs and institutions. For the immediate future the group would work on preparations for the next meeting of the Committee on Economic, Social and Cultural Rights, especially the meetings devoted to hearings of NGOs.